

MT LEGISLATIVE HISTORY

Chapter 88 1961

Bill H 106 S _____

Original bill & hist. C

H. Committee on Townships & Counties

S. Committee on Judiciary

Hearing Date(s) C

Hearing Date(s) C

 C

 C

1/31 ✓ C

BEST COPY
AVAILABLE

2/17 ✓ C

 C

2/18 ✓ C

Date Out 1/31 ✓ C

2/18 ✓ C

Did this bill originate in an interim committee? Yes No

Committee

Report

COMMITTEE C

NO.	DATE	DATE REPORTED OUT	AS AMENDED	DO PA
12		1/24/61		See
47		1/24/61		Sub
48		1/24/61		Sub
58		1/25/61		✓
✓106		1/31/61		
137		1/19/61		
158				
163		2-8-61		
164				
217		1/25/61		✓
221		1-31-61		
221		2-8-61		✓
		2-8-61		
		2-8-61		✓

January 31.

The Townships and Counties Committee met at 9:00 A.M. a quorum present and Chairman Kolar presiding.

Rep. Stimatz, Silver Bow County, appeared in support of H.B. 261 which would permit a county to levy 2 mills instead of one mill for civic centers. He explained the trouble Butte is having in maintaining its Civic Center. He introduced Mr. Rouleau, manager of the Civic Center. Mr. Rouleau gave the committee a list of different civic groups that were using the Civic Center free of charge and the different activities that were possible because of the Civic Center were named, and the expenses and income from the Center. Questions were asked of the two men and they were then excused.

Rep. Tim Sullivan, ex-mayor of Butte, appeared in opposition to the bill. He thought it was due to poor management that the Civic Center was having a rough time and he pointed out the amount of uncollectible taxes in Silver Bow County at the present time. He asked that H.B. 261 do not pass. He was then excused.

After a lengthy discussion, Rep. Smith moved that H.B. 261 do not pass, seconded by Rep. Adams, and the motion carried. 3 members opposing the motion.

Rep. Sullivan was then invited in to explain H.B. 106 which would allow 2 or more counties and/or cities to cooperate in constructing and maintaining a joint airport. He was then excused.

Rep. Aasheim moved that H.B. 106 do pass, seconded by Rep. Asbjornson, and the motion carried.

Rep. Asbjornson moved that the meeting be adjourned, seconded by Rep. Aasheim, and the action carried. The meeting was adjourned at 10:00 A.M.



Ed Kolar, Chairman

January 31 1961

and Counties Committee met at 9:00 A.M. with Chairman Kolar presiding.

Silver Bow County, appeared in support of and would permit a county to levy 2 mills instead of 4 mills on centers. He explained the trouble Butte had with the Civic Center. He introduced Mr. Rouleau, who gave the committee a list of the different activities that were possible at the Civic Center were named, and the expenses and income. Questions were asked of the two men and answered.

Mr. Ivan, ex-mayor of Butte, appeared in opposition and thought it was due to poor management that the county was having a rough time and he pointed out the amount of taxes in Silver Bow County at the present. He moved that H.B. 106 do not pass. He was then excused.

After the discussion, Rep. Smith moved that H.B. 216 do pass, seconded by Rep. Adams, and the motion carried with 5 yeas and 0 nays.

Mr. Kolar was then invited in to explain H.B. 106 which would require more counties and/or cities to cooperate in constructing a joint airport. He was then excused.

Mr. Kolar moved that H.B. 106 do pass, seconded by Rep. Adams, and the motion carried.

Mr. Kolar moved that the meeting be adjourned, seconded by Rep. Adams, and the action carried. The meeting was adjourned.



Ed Kolar, Chairman

..... JANUARY 31

MR. SPEAKER:

We, your Committee on Townships and Counties

having had under consideration _____ House Bill No. 100

[illegible]

Respectfully report as follows: That House Bill No. 106

Respectfully report as follows: That.....Bill No.....

Do-Pass.

QTC-OU-MEM

Ed Kolar
Ed Kolar

February 17, 1961

SENATE COMMITTEE ON JUDICIARY

The meeting of the Judiciary Committee was called to order by Chairman, Senator Mahoney, at 3:15 P.M. on February 17, 1961. The following committee members were present:

Senators: Mahoney, Dussault, Grieve, McDonnell, Harken, McKenna, Cashmore, Cumming and McKeon.

The following bills were brought to the attention of the committee:

House Bills # 236, 237, 238 and 239 all related were brought up and Kermit Daniels, Representative from Powell County was present in behalf of these bills. Discussion followed.
#236 - McKenna made the motion that this bill be concurred in and Cummings seconded the motion. Motion carried and so ordered.
237 - Cumming made the motion that the bill be concurred in. McKenna seconded the motion. Carried and so ordered.
238 - McDonnell made the motion that this bill be concurred in and that was seconded by Cumming. Motion carried and so order.
#239 - Harken made the motion that #239 be concurred in. Cumming seconded the motion. Carried and so ordered.

106 - Permit counties and cities in any combination to act jointly to operate airports. Kermit Daniels was present. Bill was held.

241 - Admit general public and press to juvenile court felony hearings. Rep. Anderson, Yellowstone County, James M. Haughey, Chairman of House Bills and Rep. Loman, proponents to this bill were present. Maxine Scott, represent Council of Churches also present. Guests and McDonnell made the motion this bill be concurred in and it was seconded by a member. carried and so ordered.

5 - Rep. Stimatz and Rep. ...

February 18, 1961.

SENATE COMMITTEE ON JUDICIARY

The meeting of the Judiciary Committee was called to order by Chairman, Senator Mahoney, at 3:15 P. M. on February 18, 1961. The following committee members were present:

Senators: Mahoney, Dussault, Grieve, McDonnell, Harken, McKenna, Cashmore and Cumming.

Excused - McKeon

The following bills were discussed and acted upon:

H.B. #106 - Rep. Tim Sullivan (Silver Bow) was present and talked for this bill. A discussion followed and then McKenna made the motion that the bill be concurred in. Seconded by Cumming. Motion carried and so ordered.

#255 - McKenna made the motion that this bill be concurred in. McDonnell seconded this motion. Motion carried and so ordered.

#383 - Change the time for contesting a will after the probate thereof. An amendment was made. Harken made the motion that the amendment be adopted and that was seconded by McDonnell. Motion carried. Then Cumming made the motion that this bill be concurred in ^{as amended} and that was seconded by McDonnell. Motion carried and so ordered.

#97 - This bill is related to Bill #98 and 99. Supt. Alex Stephensen - Hiway Patrol and Captain Bob McEly and Captain Charles Kerr met with the committee and discussed the three of them. McKenna made the motion that Bill #97 be concurred in. Seconded by Cashmore. Motion carried and so ordered.

#98 - Cumming made the motion that this bill



January 18,

MR. PRESIDENT:

We, your Committee on

having had under consideration

House

Bill No. 106

"AN ACT RELATING TO ESTABLISHMENT OF AIRPORTS BY COUNTIES AND
EXTENDING THE SCOPE OF THE ACT TO PERMIT A COUNTY, CITY OR TOWN
ACT JOINTLY WITH ANY OTHER COUNTY, CITY OR TOWN TO ESTABLISH
OPERATE AN AIRPORT BY AMENDING SECTIONS 1-801, 1-802 AND 1-803
REVIEW CODES OF MONTANA, 1947."

Respectfully report as follows: That

House

Bill No. 106

Respectfully report as follows: That.....~~House~~ Bill No. ~~100~~.....

be concurred in.

~~DO PASS~~

~~100-0-1001~~

year accredited high school or federal Indian school in Montana, and shall have shown evidence of studious and industrious habits, shall be entitled, upon the recommendation of the state board of education, to enroll in any of the units of the university of Montana for four (4) years without the payment of fees required of students attending such institutions. The number of such Indians chosen each year shall not exceed *twenty-four (24)*, of whom at least six (6) shall be enrolled for the purpose of training to become teachers. Rules and regulations governing the selection of these pupils shall be formulated by the state board of education and the state superintendent of public instruction is hereby designated as the agent of the board in carrying out this act."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 28, 1961.

CHAPTER 88

An Act Relating to Establishment of Airports by Counties and Cities; Extending the Scope of the Act to Permit a County, City or Town to Act Jointly With Any Other County, City or Town to Establish and Operate an Airport by Amending Sections 1-801, 1-802 and 1-803, Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. Section 1-801, Revised Codes of Montana, 1947, is amended to read as follows:

Counties, cities and towns may establish airports by joint action.

"1-801. (5668.35) **Counties, cities and towns may acquire land for, and establish airports and landing fields.** Counties, cities and towns in this state, may either individually or by the joint action of a county and one (1) or more of the cities and towns within its border acquire by gift, deed, purchase or condemnation, land for airport or landing field purposes and thereon establish, construct, own, control, lease, equip, improve, operate, and regulate airports or landing fields for the use of airplanes and other aircraft, and may use for such purpose or purposes any property suitable therefor that now or may at any time

hereafter be acquired, owned or controlled by such county, city or town.

"In addition, a county, city or town may do the acts authorized by this section by acting jointly with one or more counties, with one or more cities, with one or more towns or any combination of such counties, cities or towns. Such airport need not be located within the limits of each subdivision participating in the joint venture, in whole or in part."

Section 2. Section 1-802, Revised Codes of Montana, 1947, is amended to read as follows: Amending clause.

"1-802. (5668.36) **Land when deemed acquired for public use — Exercise power of eminent domain.** Any lands acquired, owned, controlled or occupied by any county, city or town, *individually* or pursuant to joint action as herein provided for the purposes enumerated in section 1-801, shall and are hereby declared to be acquired, owned, controlled and occupied for a public use, and as a matter of public necessity, and such counties, cities and towns, whether acting individually or jointly shall have the right to acquire property for such purposes under the power of eminent domain as and for a public use or necessity." May exercise right of eminent domain.

Section 3. Section 1-803, Revised Codes of Montana, 1947, is amended to read as follows:

"1-803. (5668.37) **Creation of board to govern airport — Fees — Fund for maintenance — Rules and regulations.** The county, city or town, *acting individually* or acting jointly as herein authorized by section 1-801, having established an airport or landing field and acquired property for such purpose, may construct, improve, equip, maintain, and operate the same, and for that purpose may create a board or body from the inhabitants of such county, city or town, or such joint subdivisions of the state for the purpose of conferring upon them and may confer upon them the jurisdiction for the improvement, equipment, maintenance and operation of such airport or landing field. The board of county commissioners, the city or town council, as the case may be, or the board of county commissioners and the council or councils under a joint venture may adopt rules and establish fees or charges for the use of such airport or landing field, or may authorize

May create board to govern airport.

Rules and fees may be established.

Expenses. Joint apportionment. such board or body to do so, subject, however, to the approval of the appointing power before the same shall take effect. All expenses of such construction, improvement, equipment, maintenance and operation shall be a charge against such county, city or town, or, when a county, *city or town* acts jointly under the authority herein given, such charges shall be against the joint subdivisions of the state, and shall be apportioned according to benefits to accrue, the proportion to be paid by each to be fixed in advance by joint resolution of the governing bodies.

Joint fund. "For the purpose of meeting the charges hereinbefore mentioned when the airport or landing field is such joint venture, a joint fund shall be created and maintained into which each of the political subdivisions interested shall deposit its proportionate share in accordance with the pre-determination of the board of county commissioners and council, or councils, affected.

Disbursements by joint board. "All disbursements from such fund shall be made by order of such joint board or body, if one be created as hereinabove authorized, otherwise under such rules and regulations as the joint control by the commissioners and council or councils may adopt."

Approved February 28, 1961.

CHAPTER 89

An Act Relating to the Interest and Income Funds of State Institutions; Amending Sections 79-1401, 79-1402 and 79-1403, Revised Codes of Montana, 1947, and Repealing Sections 79-1404 and 79-1405, Revised Codes of Montana, 1947, to Delete Certain Obsolete Language and to Eliminate the Duties of Institutional Executive Boards Relating to Such Funds.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. Section 79-1401, Revised Codes of Montana, 1947, is amended to read as follows:

"Interest and income fund" for state institutions. "79-1401. (1922) All moneys received from the investment of the permanent funds of a *state institution* and all money received from the leasing of lands granted to a *state institution* shall, at the close of each calendar

month, be deposited with the state treasurer of Montana for each of such institutions, to the credit of what shall be known and designated as the 'interest and income fund' of each of said institutions."

Section 2. Section 79-1402, Revised Codes of Montana, 1947, is amended to read as follows: Amending clause.

"79-1402. (1923) The money received by the state treasurer under the provisions of the preceding section shall be paid out by him only on warrant issued by the state auditor in payment of claims for expenses actually incurred for the support and maintenance of the institution filing the same." Payment of claims by warrant.

Section 3. Section 79-1403, Revised Codes of Montana, 1947, is amended to read as follows: Amending clause.

"79-1403. (1924) In the payment of claims presented by a *state institution entitled to interest and income from land grants or funds arising therefrom*, no warrant shall be drawn against the appropriation made by the state out of the general fund for the maintenance of the institution filing the claim *until the interest and income fund, insofar as it is available for the payment of the items in the claim, is exhausted.*" Fund must be used first for payment.

Section 4. Sections 79-1404 and 79-1405, Revised Codes of Montana, 1947, are repealed. Repealing clause.

Approved February 28, 1961.

CHAPTER 90

An Act Relating to Teachers' Examinations and Certificates; Amending Section 75-2501, Revised Codes of Montana, 1947, by Changing Subsection 4 to Require Certificates to be Registered Not Later Than Sixty Days After the Term of Such Teacher Begins.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Section 75-2501, Revised Codes of Montana, 1947, is amended to read as follows: Amending clause.

"75-2501. (1088) **Examinations and certificates — Certificates of qualifications required of teachers.** (1) No certificate to teach in the public schools of Montana Public school teacher must be citizen unless exchange teacher.